

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT (#FZC-20-04)
ROCKIN' ROY'S RENTALS, LLC
MARCH 25, 2020**

I. GENERAL INFORMATION

A. Project Description

This is a report to the Flathead County Planning Board and Board of Commissioners regarding a request by APEC Engineering, Inc, on behalf of Rockin' Roy's Rentals, LLC, for property located within the Evergreen Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from *R-2 (One Family Limited Residential)* to *RA-1 (Residential Apartment)*.

B. Application Personnel

1. Owner/Applicant

Rockin' Roy's Rental, LLC
PO Box 5280
Kalispell, MT 59901

2. Technical Representative

APEC Engineering, INC
75 Somers Road
Somers, MT 59932

C. Process Overview

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11th Street West in Kalispell.

1. Land Use Advisory Committee/Council

This property is not located within the jurisdiction of a Land Use Advisory Committee.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on April 8, 2020 at 6:00 P.M. in the 2nd Floor Conference Room of South Campus Building located at 40 11th Street West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

3. Commission

The Commissioners will hold a public hearing on the proposed zoning map amendment on April 21, 2020. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Office of the Board of Commissioners at 800 South Main Street in Kalispell.

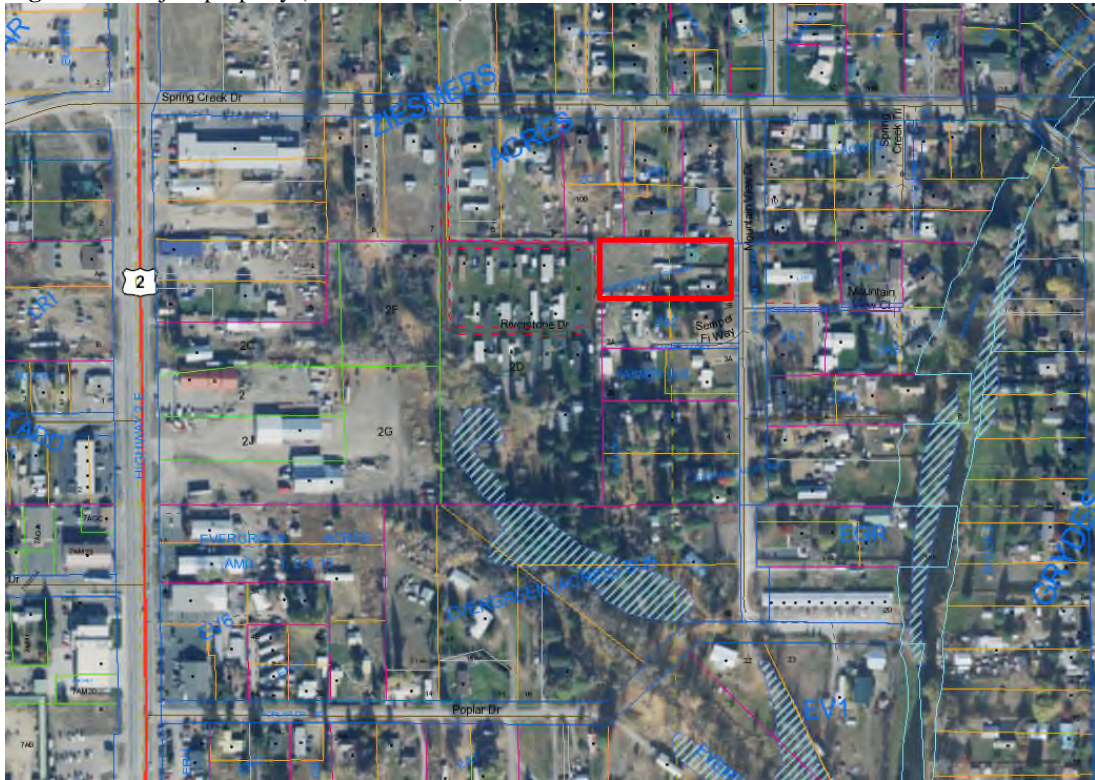
II. PROPERTY CHARACTERISTICS

A. Subject Property Location and Legal Description

The property is located at 348 Mountain View Drive in Evergreen, MT (see Figure 1 below) and is approximately 1 acre. The property can be legally described as follows:

Lot 1 in Block 4 of South Addition to Ziesmer Acres, according to the official map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

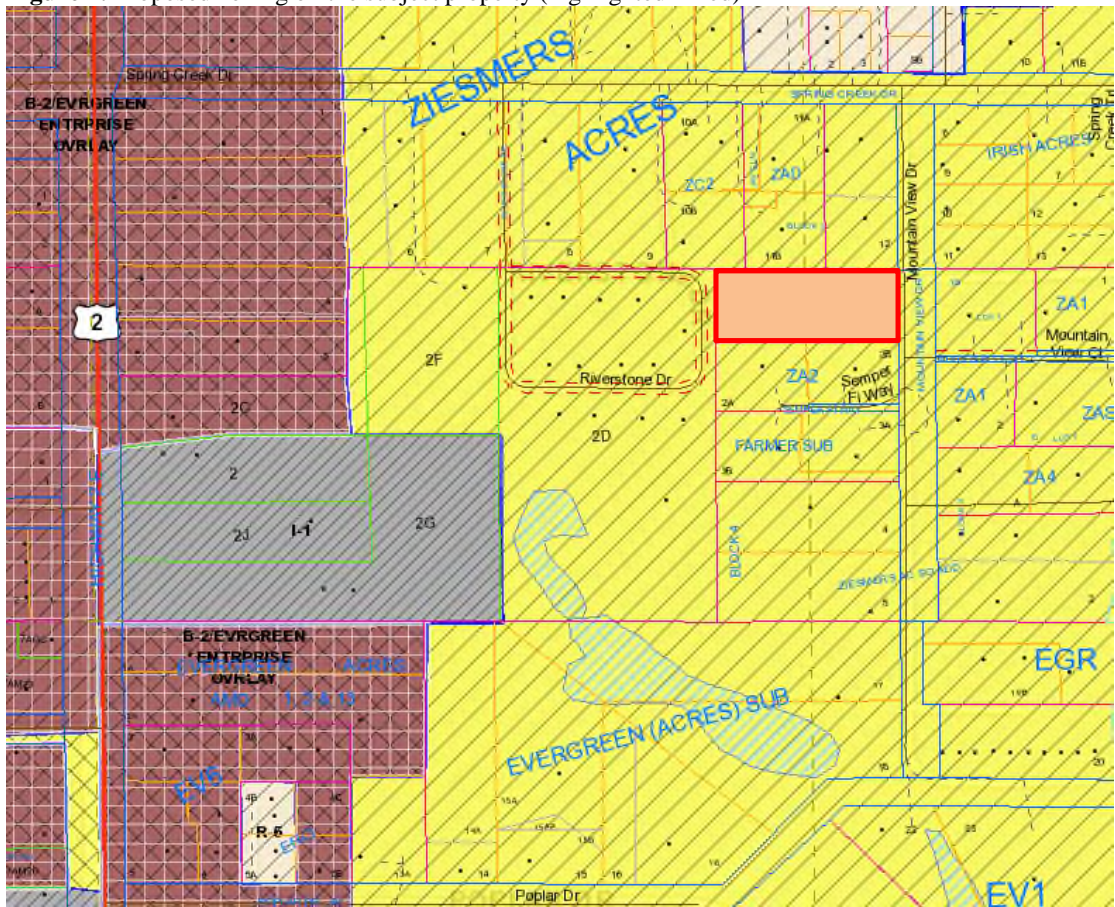
Figure 1: Subject property (outlined in red)



B. General Character of and Reason for Amendment

The property is located on Mountain View Drive just south of Spring Creek Drive. The property contains two single family dwellings. The application states the reason for the request as, “A request to create more density, add more affordable residential rental units in a neighborhood location that is convenient to schools, employment and services.”

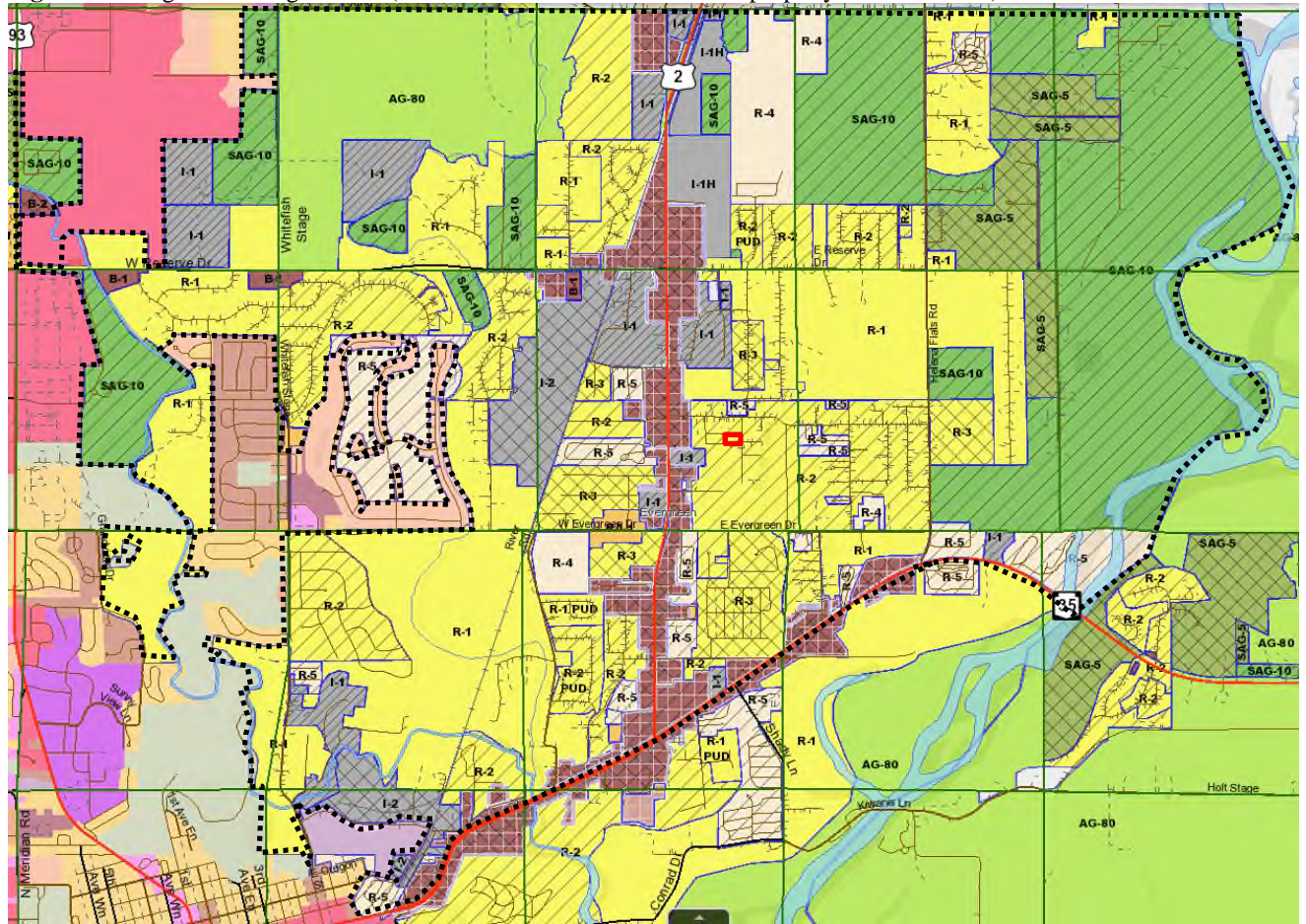
Figure 2: Proposed zoning on the subject property (highlighted in red)



C. Adjacent Zoning and Character of the Overall Zoning District

The property is located within the Evergreen Zoning District, which is a 7,900-acre zoning district that covers the area directly east of Kalispell. Looking at the zoning within a mile of the subject property the character of the area is generally a mixture of business, industrial, and residential zoning. Directly adjacent to the property is generally residential uses which are zoned R-2, with I-1 and B-2/EEO zoning located less than a quarter of a mile west along Highway 2. There is also R-5 zoning to the north, west and east, all less than a quarter of a mile away from the subject property.

Figure 3: Evergreen Zoning District (outlined with dashed black line & property outlined in red)



D. Public Services and Facilities

- Sewer: Evergreen
- Water: Evergreen
- Electricity: Flathead Electric Cooperative
- Natural Gas: Northwestern Energy
- Telephone: CenturyTel
- Schools: Evergreen School District
Flathead High School District
- Fire: Evergreen Fire District
- Police: Flathead County Sheriff

III. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies on February 6, 2020:
 - Flathead County Road Department
 - Flathead County Solid Waste
 - Evergreen Water and Sewer District
 - Flathead City-County Health Department
 - Flathead County Weeds & Parks Department

- City of Kalispell Planning Department
 - Bonneville Power Administration
 - Flathead High School District
 - Evergreen School District
 - Evergreen Fire District
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Flathead County Road & Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated February 13, 2020
 - Flathead County Solid Waste District
 - Comment: “The District requests that all solid waste generated at the proposed location be hauled by a private licensed hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission licensed hauler in this area.” Letter dated February 13, 2020
 - BPA
 - Comment: “At this time, BPA does not object to this request, as the property is located 1.91 miles away from the nearest BPA transmission lines or structures.” Email received February 24, 2020.
 - Flathead County Environmental Health
 - Comment: “It looks like the plat is ancient, 1948 so if multi-family dwelling units are proposed they will have to deal with Evergreen Water and Sewer for facilities.” Email received February 12, 2020

B. Public Comments

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on March 18, 2020. Legal notice of the Planning Board public hearing on this application was published in the March 22, 2020 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the general character of the proposed zoning map amendment, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

2. Public Comments Received

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for April 8, 2020 and/or the Commissioner’s Public Hearing. Any written comments received following the

completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

IV. EVALUATION OF PROPOSED AMENDMENT

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best or worst case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

The R-2 designation is defined in Section 3.11 FCZR as, *'A district to provide for large-tract residential development. These areas will typically be found in suburban areas, generally served by either sewer or water lines.'*

The RA-1 designation is defined in Section 3.15 FCZR as, *'A district to provide areas for multi-family use and for non-residential uses, which support or are compatible with the primarily residential character. This district is intended as a buffer between residential districts and other non-residential districts. This district shall be served by community water and sewer and have immediate access to fire, police, refuse, and park facilities.'*

The permitted uses and conditional uses for the proposed and existing zoning contain several differences. The amendment would not change the number of permitted uses from and increase the conditional uses from 18 to 26.

A guest house is not permitted in the RA-1 but is permitted in the R-2 zone while a duplex is permitted in RA-1 but not permitted in R-2.

The four conditional uses allowed in R-2 but not allowed in RA-1, are as follows:

- Cemetery, mausoleum, columbarium, crematorium.
- Dwelling, cluster
- Dwelling, family hardship.
- Water and sewage treatment facility.

The twelve conditional uses listed in the RA-1 that are not allowed in R-2, are as follows:

- Beauty Salon and Barbershop.
- Clinic, medical and dental.
- College, business school, trade school, music conservatory, dance school.
- Day care center.
- Dwelling, multi-family.

- Fraternity or sorority house.
- Hospital.
- Lodge, fraternal and social organization provided that any such establishment shall not be conducted primarily for gain.
- Mini-storage, RV storage.
- Mortuary.
- Pharmacy, operated within a clinic or physician's office and selling only drugs, prescription medicine, medical supplies and appliances, and pharmaceutical products.
- Recreational facility.

The bulk and dimensional requirements within the current zoning requires a 20 foot setback from front, rear, and side-corner boundary line and 10 feet from the side boundary line for principal structures. A setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. For R-2 the permitted lot coverage is 30% and maximum height is 35 feet.

The proposed zoning requires a setback of 20 feet from front, rear and side-corner boundary lines, and 5 feet from side boundary line or 15 feet from the side boundary line for 3-plexes or larger on principle structure. A setback of 20 feet for the front, and side-corner and 5 feet from the rear and side is required for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. The maximum building height is 35 feet and the permitted lot coverage is 35%.

The existing zoning requires a minimum lot area of 20,000 square feet. The subject property totals 1 acre therefore one additional lot could currently be created. The proposed zoning has a minimum lot area of 7,500 square feet and 1,500 additional square feet for each unit in excess of two. Therefore a total of 26 apartment units could be placed on the property, assuming parking and setback requirements are met.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

1. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R). The property is located within the Kalispell City-County Master Plan 2010, adopted on February 6, 1986 by the Flathead County Commissioners (Resolution #578A).

The Kalispell City-County Master Plan (Master Plan) serves as a planning tool for the area surrounding the City of Kalispell. The Master Plan was incorporated into the Growth Policy to provide more specific guidance on future development and land use decisions within the plan area at the local level. The Master Plan is composed of three

major components, the text, the map and the goals and objectives. According to the Master Plan, *“Relying on only one component will not always give a clear picture of the broad community concepts or the spirit of the Plan.”* This report contains discussion on compliance with all three components of the Master Plan.

The Kalispell City-County Master Plan Year 2010 currently designates the land use of the subject property as *‘Suburban Residential.’* *‘Suburban Residential’* designation states, *“A residential district which provides for two or less units per acre. Such areas typically do not have access to a community sewer or water system, have only limited police and fire protection, and may have a limited carrying capacity due to site or soil limitations, floodplain or other natural constraints which preclude higher density.”*

The subject property is served by the Evergreen Fire District and the Evergreen Water and Sewer District. The property is located on Mountain View Drive, just south of Spring Creek Drive, which is classified as a local County road. Any new development would be able to have a contract hauler for solid waste disposal and the property is located about one mile of Evergreen Elementary School and less than a mile from Evergreen Junior High School. Additionally the property is not located within the floodplain. The location of the property meets the description for the *‘High Density Urban Residential’* designation which states, *“[...]. Areas must be served by community sewer and water and have immediate access to police and fire protection as well as access to other community services including garbage disposal, schools, park and open areas, and be located adjacent to or near a collector or arterial street.”*

The following goals and objectives of the Master Plan appear applicable to the proposed map amendment, and generally indicate consistency with the proposal:

4. Housing

f. Coordinate the designation and development of higher density neighborhoods with adequate parklands and adjacent open space.

- The property is not located near open space or parkland but it is likely that during subdivision review or review for a conditional use permit new parkland or open space would be required.

6. Land Use –*The orderly development of the planning jurisdiction with ample space for future growth while, at the same time, ensuring compatibility of adjacent land uses.*

g. Maintain the character of the single—family neighborhoods.

- The property is located in an area with a mixture of residential uses, some of the neighboring properties have multiple dwellings located on them including a manufactured home park, and apartments.

h. Concentrate medium and high density residential units in areas close to commercial services, good traffic access and open space specifically to provide efficient access to these amenities for the occupants and to provide a suitable buffer between commercial and high traffic areas and low density residential.

- The subject property is located less than a half mile from the Highway 2 commercial corridor, on a dead-end road in a residential area and a tenth of a mile from industrial and commercial areas. In between the commercial and industrial land and the subject property is a manufactured home park.

This property could serve as a buffer from those uses and single family residential to the east.

8. **Public Facilities** – *An economical, balanced distribution of public facilities and services throughout the planning jurisdiction for present and anticipated future residents.*

a. *Designate areas of future development which are already serviced or area in areas which can be economically serviced by water and sewer, police and fire protection, etc.*

- The property is located within the Evergreen Water and Sewer District and is currently serviced by public water and sewer. Further discussion on the adequacy of emergency service and public facilities can be found below.

Finding #1: The proposed zoning map amendment appears to comply with the Kalispell City-County Master Plan because the property is served by the Evergreen Water and Sewer District, the Evergreen Fire Department, could serve as a buffer between commercial and industrial and single family dwellings and the property is located near public schools.

2. Whether the proposed map amendment is designed to:

a. Secure safety from fire and other dangers;

The subject property is located within the Evergreen Fire District. The nearest fire and emergency response center is located approximately 0.6 road miles west of the property, on U.S. Highway 2. The Evergreen Fire Department, who did not provide comments on this proposal, would respond in the event of a fire or medical emergency. Access to the subject property would be directly from paved two lane road.

The subject property does not appear to be located within the Wildland Urban Interface (WUI). The subject property is not heavily forested and is not located adjacent to wooded areas.

According to FEMA FIRM Panel 30029C1810J, the property is located within a shaded Zone X, an area determined to be inside the 0.2% annual chance flood hazard.

Finding #2: The proposed map amendment would have minimal impact from fire and other danger because the property is not located in the WUI, is approximately 0.6 miles from the nearest fire station, and the property is located outside the 100 year floodplain.

b. Promote public health, public safety, and general welfare;

As previously stated, the subject property is located within the Evergreen Fire District. The Evergreen Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff's Department provides police services to the subject property. Mountain View Drive appears adequate to provide ingress and egress for emergency vehicles which would help to ensure adequate public health and safety. Permitted and conditional uses in RA-1 zone would serve to protect and promote public health, safety and general welfare.

Finding #3: The proposed zoning map amendment appears to have minimal negative impacts on public health, safety and general welfare because permitted and conditional uses would be similar to uses already existing in the area and the property is served by the Flathead County Sheriff and the Evergreen Fire Department.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Primary access to the property is off Mountain View Drive via Spring Creek Drive. Mountain View Drive is a 2-lane paved local road with a 60 foot easement. No recent traffic counts exist for Mountain View Drive. Staff utilized the Trip Generation Manual to estimate approximately 346 ADT on Mountain View Drive. Staff utilized the Institute of Transportation Engineers Trip Generation Manual to determine the average daily trip (ADT) generation for an apartment building. According to the Trip Manual the average trip generation rate is 6.65 trips per dwelling unit. Assuming 26 apartment units are placed at full-buildout this could lead to 166 ADT a 48% increase on Mountain View.

The traffic generated by the proposal will end up on Spring Creek Drive which connects to Helena Flats Road and U.S. Highway 2. The most recent traffic counts from Spring Creek Drive East of Highway 2 is 1,791 ADT. Spring Creek Drive is paved local county road within a 60 foot easement. The potential 166 ADT would be a 9.2% increase on Spring Creek Drive. The Road and Bridge Department had no concerns with this proposal.

The property is located within the Evergreen Water and Sewer District and would be served by the district if the property is redeveloped as development of this property at RA-1 densities would likely require public water and sewer. If the property was subdivided in the future, it would require review from the Flathead City-County Environmental Health and Montana Department of Environmental Quality.

The subject property is located within the Evergreen and Flathead School Districts. Evergreen School have seen a decrease of 8% in student enrollment over the last ten years and decrease of 8% between the 2018 and 2019 school years. The Flathead High School District has increased 5% in student enrollment over the last ten years and a decrease of 1% between 2018 and 2019. The school districts did not provide comment regarding this proposal.

According to the 2017 Census Data there are 48,741 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2018 states there are 16,473 students enrolled in public, private and home schools. The total students (16,473) divided by the total households (48,741) equals approximately 0.34 students per household. Therefore, 26 units could generate approximately 9 school age children. It is anticipated that the school would have capacity should any residential growth occur as a result of the proposed zoning map amendment.

The development of lots less than 5 acres in size has the potential to trigger parkland requirements during subdivision review. If the property is not subdivided a conditional use permit for apartments could require open space. Additionally there

are many parks, natural areas, and recreational opportunities within a short drive, including Evergreen Lions Park located 0.8 miles from the subject property.

Finding #4: The proposed amendment appears to facilitate the adequate provision of transportation because both Mountain View Drive and Spring Creek Drive are paved two lane roads capable of handling an increase in traffic and comments from the Flathead County Road and Bridge Department indicate no concern.

Finding #5: The proposed amendment appears to facilitate the adequate provision of water, sewerage, schools and parks because the property would undergo review through the Flathead County Environmental Health if the property is subdivided, sewer and water would be obtained through the Evergreen Water and Sewer District, and subdivision review could require parkland dedication and no comments were received from either school district.

3. In evaluating the proposed map amendment, consideration shall be given to:

a. The reasonable provision of adequate light and air;

The bulk and dimensional requirements, which includes setbacks, have been established to provide for a reasonable provision of light and air. The existing zoning requires a minimum lot area of 20,000 square feet. The subject property totals 1 acre therefore one additional lot could currently be created. The proposed zoning has a minimum lot area of 7,500 square feet and 1,500 additional square feet for each unit in excess of two. The maximum building height within both the R-2 and RA-1 zones is 35 feet for a principal structure but 18 feet for accessory structures in R-2 and 15 feet in RA-1. The permitted lot coverage is 30% in the R-2 zone and is 35% in the proposed R-4 zone.

The bulk and dimensional requirements in the RA-1, requires a setback of 20 feet from the front, rear and side-corner on principal structures and 5 feet from the side for single family or duplex and 15 feet for 3-plex or larger. The accessory structure setbacks are the same; 20 feet from the front and side-corner and 5 feet from the rear and side for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or arterials.

Finding #6: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the RA-1 designation.

b. The effect on motorized and non-motorized transportation systems;

Primary access to the property is off Mountain View Drive via Spring Creek Drive. Mountain View Drive is a 2-lane paved local road with a 60 foot easement. No recent traffic counts exist for Mountain View Drive. Staff utilized the Trip Generation Manual to estimate approximately 346 ADT on Mountain View Drive. Staff utilized the Institute of Transportation Engineers Trip Generation Manual to determine the average daily trip (ADT) generation for an apartment building. According to the Trip Manual the average trip generation rate is 6.65 trips per

dwelling unit. Assuming 26 apartment units are placed at full-buildout this could lead to 166 ADT a 48% increase on Mountain View.

The traffic generated by the proposal will end up on Spring Creek Drive which connects to Helena Flats Road and U.S. Highway 2. The most recent traffic counts from Spring Creek Drive East of Highway 2 is 1,791 ADT. Spring Creek Drive is paved local county road within a 60 foot easement. The potential 166 ADT would be a 9.2% increase on Spring Creek Drive. The Road and Bridge Department had no concerns with this proposal.

The Flathead County Trails Plan does not identify Mountain View Drive as a future bike/pedestrian trail. It is anticipated that there will be minimal impact on non-motorized traffic because Mountain View Drive is two lane road with low traffic volumes.

Finding #7: Effects on the motorized and non-motorized transportation systems will be minimal because the proposal could potentially generate 166 average daily trips which Mountain View Drive and Spring Creek Drive are capable of handling and the Flathead County Trails Plan does not identify Mountain View Drive as a proposed trail location.

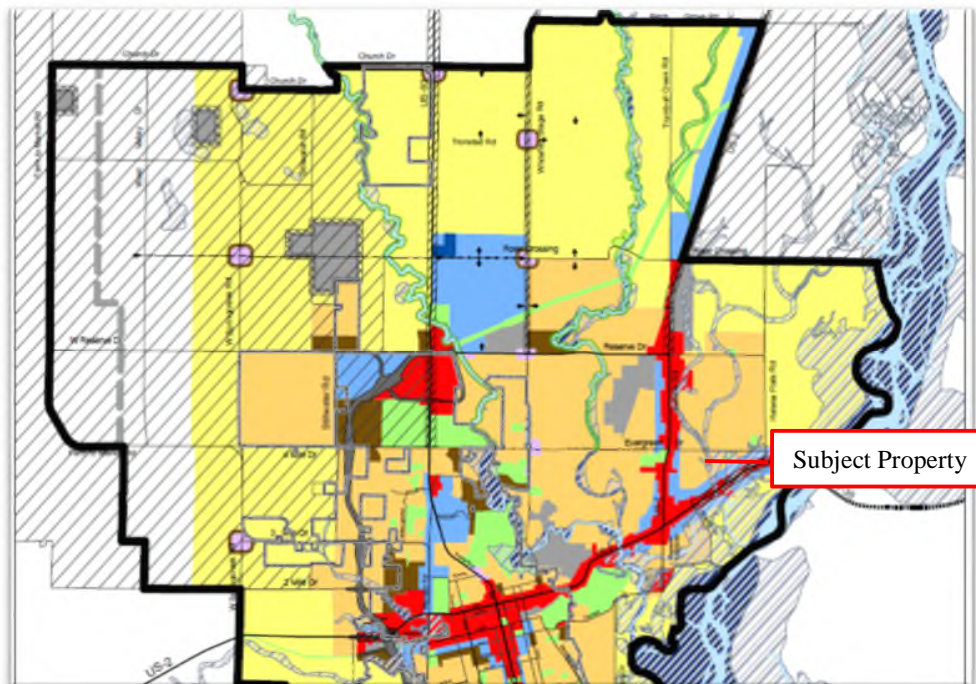
c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

The subject property is located within the Kalispell Growth Policy Map, but not annexation policy boundary. The City of Kalispell Growth Policy designated the property as '*Urban Residential*.'

The Urban Residential appears to coincide with medium density residential in the Kalispell Growth Policy which is defined as, "*Medium-density residential (urban) neighborhoods should be developed at densities between four and twelve dwelling units per acre on an overall site basis. An integrated development plan within an urban neighborhood could include.*" The proposal for RA-1 would allow for residential development at a density approximately 26 dwelling units per acre.

Finding #8: The proposal does not appear to be compatibility with the City of Kalispell's urban growth because the City designates the property '*Urban Residential*' and the proposed zoning would allow for residential development that exceeds 12 dwelling units per acre.

Figure 3: City of Kalispell Growth Policy Future Land Use Map



- d. The character of the district(s) and its peculiar suitability for particular uses;**
The character of the district and its peculiar suitability for particular uses can best be addressed using the “three part test” established for spot zoning by legal precedent in the case of *Little v. Board of County Commissioners*. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

- i. ***The zoning allows a use that differs significantly from the prevailing use in the area.***

The applicant is proposing to rezone the subject property to RA-1. The property is in the middle of an R-2 zone. Also within the vicinity is R-1, R-3, R-5, B-2/EEO and I-1 zoning. Most of the properties surrounding the subject property are residential. The minimum lot size within the existing R-2 20,000 square feet respectively. The minimum lot size for the R-1 is 1 acre, R-3 is 10,000 square feet and R-5 is 5,400 square feet. The proposed zone would allow for residential 26 dwelling units and the existing zoning would allow for 2 dwellings. The neighboring R-5 would allow for 8 duplexes (16 dwelling total) and the B-2 would not restrict the total number of dwelling units.

The majority of the lots surrounding the subject property are around or under 1 acre in size. Many of the lots have multiple dwellings, including the manufactured home park directly to the west and the apartment at the southern end of Mountain View Drive. The proposed zoning would allow for residential density between the nearby B-2 and the neighboring residential zones.

The uses permitted within the proposed zone are similar to the R-2 zone, but there are additional conditional uses allowed within the RA-1 that are not allowed in the R-2 zone. Most of those uses are allowed within the B-2 and I-1 zones a tenth of a mile to the west, however those properties have direct access to Highway 2 and Spring Creek Drive and are not similarly situated in a residential neighborhood.

- ii. ***The zoning applies to a small area or benefits a small number of separate landowners.***

The zoning map amendment would apply to one tract of land which is owned by one landowner. The property proposed for the zone change is 1 acre. Using standard ArcGIS software staff was able to determine the subject property is located within R-2 zoned area approximately 304 acres in size, with additional R-2 to the west of approximately 23 acres.

Staff looked at zoning use districts within a half mile of the subject property. The nearest RA-1 zones to the southwest approximately 16.6 and 1.3 acres. The R-3 to the south is approximately 90 acres, to north is approximately 23 acres, to the west the R-3 are 23 and 56 acres. The B-2 to the west and south is approximately 410 acres. Also in the vicinity of the property is R-1 zoning to the north and east which is approximately 350 acres and to the south is approximately 34 acres. Within a half mile of the proposal are ten R-5 districts, with average ranging from 0.5 acres to 23.4 acres and four I-1 districts ranging from 5.6 acres to 50.3 acres. The proposed zoning district would be similar in size to several of the nearby pockets of R-5 and RA-1 zoning.

- iii. ***The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.***

As previously discussed, the property is located on Mountain View Drive a paved local road. The proposal would likely generate 166 vehicle trips per day that would need to travel north on Mountain View Drive to Spring Creek Drive. The additional trips would have minimal impact on the road and not negatively impact surrounding landowners. Additionally, many of the lots surrounding the subject property are around or under 1 acre in size. Many of the lots have multiple dwellings, including the manufactured home park directly to the west and the apartment at the southern end of Mountain View Drive. The proposed zoning would allow for residential density between the nearby B-2 and the neighboring residential zones.

The proposal would benefit a single landowner, however given the nature of the neighborhood and immediate vicinity would likely not be special legislation at the expense of the surrounding landowners or the general public.

Finding #9: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would allow for similar uses existing within R-1, R-2, R-5 and B-2 zoning neighboring the property and the size of the proposed zoning district would be comparable to the size of nearby R-5 and RA-1 zones.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The subject property is located within the Evergreen Zoning District, surrounded by residential zones with industrial and commercial zones also nearby (see Figure 2). The application states, “The proposal is for removing older, less-functioning structures and replacing with more attractive, code compliant dwelling structures with a more efficient layout on the property.”

Properties in the vicinity are zoned R-1, R-2, R-3, B-2/EEO and I-1, additionally in the area are several pockets of R-5 and RA-1 zoning similar in size to the proposed zoning. The B-2 zones along the highway allow for multi-family as a permitted use and the R-5 zone similarly allows for single family and duplexes. The uses allowed within the proposed zoning would be similar to the uses allowed and existing within the neighboring residential and commercial areas.

Finding #10: This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the uses allowed for within the proposed zone would be similar to those allowed in the neighboring residential and commercial zones within the vicinity of the property.

4. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

Kalispell is the nearest municipality to the subject property which is located approximately one mile west of the property. No comments were received from the City of Kalispell.

The closest City zoning to the subject property is a City R-4. The City’s R-4 has a 6,000 square foot minimum lots size which would be a smaller lot size than the proposed RA-1. The conditional and permitted uses within the City’s R-4 are similar to the conditional and permitted uses within the proposed zone. The main difference being, the proposed RA-1 allows for multi-family apartments whereas the City R-4 allows for townhouses

Finding #12: The proposed map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because the proposed zone would be compatible with the City’s R-4 zone, which is the nearest City zoning, and no comments were received from the City of Kalispell.

V. SUMMARY OF FINDINGS

1. The proposed zoning map amendment appears to comply with the Kalispell City-County Master Plan because the property is served by the Evergreen Water and Sewer District, the Evergreen Fire Department, could serve as a buffer between commercial and industrial and single family dwellings and the property is located near public schools.
2. The proposed map amendment would have minimal impact from fire and other danger because the property is not located in the WUI, is approximately 0.6 miles from the nearest fire station, and the property is located outside the 100 year floodplain.

3. The proposed zoning map amendment appears to have minimal negative impacts on public health, safety and general welfare because permitted and conditional uses would be similar to uses already existing in the area and the property is served by the Flathead County Sheriff and the Evergreen Fire Department.
4. The proposed amendment appears to facilitate the adequate provision of transportation because both Mountain View Drive and Spring Creek Drive are paved two lane roads capable of handling an increase in traffic and comments from the Flathead County Road and Bridge Department indicate no concern.
5. The proposed amendment appears to facilitate the adequate provision of water, sewerage, schools and parks because the property would undergo review through the Flathead County Environmental Health if the property is subdivided, sewer and water would be obtained through the Evergreen Water and Sewer District, and subdivision review could require parkland dedication and no comments were received from either school district.
6. The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the RA-1 designation.
7. Effects on the motorized and non-motorized transportation systems will be minimal because the proposal could potentially generate 166 average daily trips which Mountain View Drive and Spring Creek Drive are capable of handling and the Flathead County Trails Plan does not identify Mountain View Drive as a proposed trail location.
8. The proposal does not appear to be compatibility with the City of Kalispell's urban growth because the City designates the property '*Urban Residential*' and the proposed zoning would allow for residential development that exceeds 12 dwelling units per acre.
9. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would allow for similar uses existing within R-1, R-2, R-5 and B-2 zoning neighboring the property and the size of the proposed zoning district would be comparable to the size of nearby R-5 and RA-1 zones.
10. This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the uses allowed for within the proposed zone would be similar to those allowed in the neighboring residential and commercial zones within the vicinity of the property.
11. The proposed map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because the proposed zone would be compatible with the City's R-4 zone, which is the nearest City zoning, and no comments were received from the City of Kalispell.

VI. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests in Section 2.08.040 FCZR has found the proposal does generally comply with all the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for

evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EKM